

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

|                    |   |           |
|--------------------|---|-----------|
| BAN ATCHOO,        | ) | Case No.: |
|                    | ) |           |
| Plaintiff,         | ) | Hon.      |
|                    | ) |           |
| v.                 | ) |           |
|                    | ) |           |
| PORTFOLIO RECOVERY | ) |           |
| ASSOCIATES, LLC,   | ) |           |
|                    | ) |           |
| Defendant.         | ) |           |

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**COMPLAINT AND JURY DEMAND**

Plaintiff, BAN ATCHOO (“Plaintiff”), by her attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC, (“Defendant”):

**INTRODUCTION**

1. Count I of Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
3. Defendant conducts business in the state of Michigan, and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

**PARTIES**

5. Plaintiff is a natural person residing in West Bloomfield, Oakland County, Michigan.
6. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to

Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.

7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
8. Defendant is a collection agency located in Norfolk, Virginia.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

10. Defendant has been placing calls to Plaintiff in an attempt to collect an alleged debt owed to GE Money Bank.
11. Defendant began placing calls to Plaintiff's telephone at her place of residence in or around September of 2010.
12. Defendant places multiple calls per day to Plaintiff.
13. Defendant calls Plaintiff from numerous telephone numbers including, but not limited to: 484-489-2840, 412-282-1420, 757-961-3544, 620-662-1492, 731-215-8010, 702-410-7069, 678-265-1568, 626-209-2241, and 847-994-2540.

### **COUNT I** **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

14. Defendant violated the FDCPA based on the following:
  - a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.
  - b. Defendant violated §1692d(5) of the FDCPA by causing Plaintiff's telephone to ring and/or engage Plaintiff in conversation repeatedly and continuously with intent to annoy, abuse and or harass Plaintiff.

WHEREFORE, Plaintiff, BAN ATCHOO, respectfully requests judgment be entered against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC, for the following:

15. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*, and
17. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, BAN ATCHOO, demands a jury trial in this case.

DATED: June 1, 2011

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: /s/ Adam T. Hill

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**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF MICHIGAN

Plaintiff, BAN ATCHOO, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, BAN ATCHOO, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

4-6-2011

Date

  
BAN ATCHOO